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June 14, 2000

OFFICE OF THE
EXECUTIVE SECRETARY

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: *Petition to Require BellSouth Telecommunications, Inc. to Appear and Show Cause that Certain Sections of its General Subscriber Services Tariff and Private Line Services Tariff Do Not Violate Current State and Federal Law*
Docket No. 00-00170

Dear David:

The above-captioned matter is on the Authority's docket for the June 20, 2000 conference. On behalf of NEXTLINK and the Southeastern Competitive Carriers Association ("SECCA"), I would like to make the following comments and suggestions concerning that matter.

SECCA and NEXTLINK have participated actively in Docket 98-00559, a proceeding initiated by the Authority (Order issued August 12, 1998), to investigate the anti-competitive impact of BellSouth's Contract Service Arrangements ("CSAs"). In that proceeding, Hearing Officer Richard Collier recommended that the TRA staff also conduct an investigation of BellSouth's tariffs to determine whether the termination provisions in the tariffs "could have an adverse effect on competition." *Fourth Report and Recommendation of Pre-Hearing Officer*, July 8, 2000, page 19. That recommendation was subsequently affirmed by the Authority. *Order Approving and Adopting Fourth Report & Recommendation of the Pre-Hearing Officer*, dated Feb. 3, 2000.

Acting on those instructions, a segment of the TRA's senior staff launched an investigation of BellSouth's tariffs and, on March 6, 2000, presented a "Show Cause Petition" to the Authority recommending the issuance of a show cause order against BellSouth. The Staff filed a proposed show cause order along with the Petition.

Before the TRA acted on the staff's Petition, however, BellSouth and the Staff entered into negotiations concerning the company's tariffs. As a result of those discussions, BellSouth and the Staff have filed a "Proposed Settlement Agreement" with the Authority. The

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Agreement, if accepted by the Authority, would address the concerns about BellSouth's tariff raised in the Staff's Petition. The Agreement also addresses the tariffs and CSAs of CLECs.

As participants in the earlier proceedings which gave rise to the Staff Petition, NEXTLINK and SECCA intend to participate in docket 00-00170 should the TRA grant the Staff's Petition and issue the proposed show cause order opening that proceeding.¹ At this time, however, the Authority has still not taken any official action regarding the Staff's Petition. No show cause proceeding has yet been opened, and no one, other than BellSouth and the TRA, has been served with a copy of the proposed Settlement Agreement.

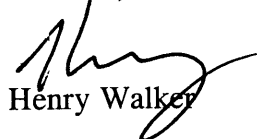
Therefore, in order for NEXTLINK, SECCA, and other parties to comment on the proposed settlement, NEXTLINK and SECCA request that the TRA open a contested case proceeding by issuing the proposed show cause order. Until that occurs, there appears to be no mechanism by which other interested carriers can comment upon the settlement.

If a show cause docket is opened, NEXTLINK and SECCA also suggest that the Authority refer the matter to Hearing Officer Collier for (1) the filing of petitions to intervene and (2) hearing argument and/or taking evidence concerning the proposed settlement agreement. Since Mr. Collier initially recommended initiation of the show cause investigation, he is already familiar with the relevant issues and should be able to make a recommendation to the Authority concerning the proposed Agreement within a short time.

In conclusion, NEXTLINK and SECCA would like to intervene as parties in this proceeding and be granted the opportunity to comment on the proposed settlement. To accomplish that, we ask that the TRA convene a contested case in this docket, take notice of the proposed Settlement, and refer the matter to Mr. Collier for further proceedings.

Sincerely,

BOULT, CUMMINGS, CONNERS & BERRY, PLC



Henry Walker

c: Chairman Melvin Malone
Director Lynn Greer
Director Sara Kyle
Gary Hotved
Guy Hicks

¹Should the Authority issue an order opening this docket, (or decide that such an order is unnecessary), SECCA and NEXTLINK are also filing today, under separate cover, a petition to intervene in docket 00-00170.